

EXHIBIT G

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 CHRISTA MCAULIFFE INTERMEDIATE
5 SCHOOL PTO, INC., et al.,

PLAINTIFFS,

-against-

Case No.:
1:18-cv-11657

6
7 BILL DE BLASIO, in his official
8 capacity as mayor of New York, et al.,

9 DEFENDANTS,

10 -and-

11 TEENS TAKE CHARGE; HISPANIC FEDERATION; DESIS
12 RISING UP AND MOVING; COALITION FOR ASIAN
13 AMERICAN CHILDREN AND FAMILIES; O.R., a minor
14 by and through his mother and next friend,
15 ELIZABETH PIERRET; A.S., a minor by and through
16 his father and next friend, ODUNLAMI SHOWA; C.M.,
17 a minor by and through his mother and next friend,
18 ROSA VELASQUEZ; K.B., a minor by and through
19 her mother and next friend, TIFFANY M. BOND;
20 N.D.F. and N.E.F., minor children by and through
21 their mother and next friend, LAUREN R. MAHONEY,
22 DEFENDANT-INTERVENORS.

23 -----X
24 DATE: January 20, 2021
25 TIME: 11:28 A.M.

26
27 DEPOSITION of an Expert Witness, JACOB
28 VIGDOR, taken by the respective parties, pursuant to a
29 Court Order and to the Federal Rules of Civil Procedure,
30 taken via videoconference, before Jennifer Schwartz, a
31 Notary Public of the State of New York.

1 A P P E A R A N C E S:

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3 PACIFIC LEGAL FOUNDATION

Attorneys for the Plaintiffs

4 388 Atlantic Avenue

Brooklyn, New York 11217

5 BY: GLENN ROPER, ESQ.

CHRIS KIESER, ESQ.

6
7 JAMES E. JOHNSON, ESQ.

8 CORPORATION COUNSEL

NEW YORK CITY LAW DEPARTMENT

9 Attorneys for the Defendants

100 Church Street

10 New York, New York 10007

BY: SHARON SPRAYREGEN, ESQ.

11 MARILYN RICHTER, ESQ.

File #: 2018-094646

12 Control #: 21-0109

13 NAACP LEGAL DEFENSE AND EDUCATIONAL FUND

14 Attorneys for the Defendant-Intervenors

40 Rector Street, 5th Floor

15 New York, New York 10006

BY: RACHEL KLEINMAN, ESQ.

16
17 ALSO PRESENT:

18 Jacqueline Hsia

Michael Scuello

19
20
21 * * *

F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

* * * *

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1 by the What Works Clearinghouse standards, "yes" or "no"?

2 MR. ROPER: Objection to form.

3 A. No.

4 Q. It would not meet the standards, is that what
5 you're saying?

6 A. That is correct.

7 Q. Would it meet the standards with reservations?

8 A. My familiarity with the What Works Clearinghouse
9 is not sufficient for me to state a confident answer to
10 that question. I do not know specifically what it means to
11 satisfy the standards with reservations.

12 Q. In your opinion, did the analyses conducted in
13 the report regarding the behavioral changes meet the
14 standards for analyses to be published in peer-reviewed
15 publications?

16 A. Yes.

17 Q. I have one technical question for you: When you
18 were analyzing the student data, did you look at offers to
19 the Discovery program or invites to the Discovery program?

20 A. Invitations. So just to be clear, to make sure
21 that I have my terminology straight, there's an invitation
22 to Discovery, a student participates in Discovery, and --
23 in the summer program and it's after that participation
24 that a formal offer is made, and my analysis looked at
25 invitations to Discovery, so the invitation to participate

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1 in the summer program.

2 MS. SPRAYREGEN: Can I -- I'm sorry to do
3 this but can you put up the exhibit I recently
4 e-mailed you. It is -- I believe it is Exhibit
5 N. It's an Excel spreadsheet.

6 (Whereupon, an off-the-record discussion was
7 held.)

8 Q. Dr. Vigdor, does that spreadsheet look at all
9 familiar?

10 A. It is set up the same way as the spreadsheets
11 that were delivered to me with the SHSAT test score and
12 admissions data. I, of course, can't verify on the base of
13 this whether this is identical.

14 Q. Thank you. That was sufficient. Do you see
15 where it says in column R "invitation to Discovery"?

16 A. Yes.

17 Q. Do you see where it says in column T "approved to
18 participate in Discovery"?

19 A. Yes.

20 Q. Do you recall which one of these two columns you
21 used in your analyses?

22 MR. ROPER: Objection to form. And I don't
23 think it's established that he used this
24 spreadsheet specifically. If you're going to ask
25 him if there were columns in this spreadsheet he

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C E R T I F I C A T E

STATE OF NEW YORK)

: SS.:

COUNTY OF KINGS)

I, JENNIFER SCHWARTZ, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of February 2021.



JENNIFER SCHWARTZ